

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBIN M. REITZ,

Plaintiff,

v.

FEDERAL GOVERNMENT *et al.*,

Defendants.

CASE NO. C20-0649-JCC

ORDER

This matter comes before the Court on Plaintiff Robin M. Reitz's objections (Dkt. No. 5) to the report and recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge (Dkt. No. 4). Having thoroughly considered the report and recommendation, Plaintiff's objections, and the relevant record, the Court finds oral argument unnecessary and hereby OVERRULES Plaintiff's objections (Dkt. No. 5), ADOPTS the report and recommendation (Dkt. No. 4), DENIES Plaintiff's application to proceed *in forma pauperis* (Dkt. No. 1), and DISMISSES the case without prejudice for the reasons explained herein.

I. BACKGROUND

Plaintiff brings claims against the "Federal government, HUD, and Judge Marcos of Federal Court in Portland." (Dkt. No. 1-1 at 1.) He alleges that he is the whistleblower in the past mortgage crisis, that he is owed 20 percent of the fees the federal government reclaimed from the mortgage crisis (which he alleges is trillions of dollars), and that the federal government not only

1 refused to negotiate with him but also tried to put him to death. (*Id.* at 3, 5.) On May 22, 2020,
2 Judge Theiler issued a report and recommendation recommending that the Court deny Plaintiff's
3 motion to proceed *in forma pauperis* and dismiss the case pursuant to 28 U.S.C. § 1915(e)(2)(B).
4 (Dkt. No. 4.)

5 **II. DISCUSSION**

6 Objections to a magistrate judge's report and recommendation are reviewed *de novo*. 28
7 U.S.C. § 636(b)(1). District courts review *de novo* those portions of a report and
8 recommendation to which a party objects. *See id.*; Fed. R. Civ. P. 72(b)(3). Objections are
9 required to enable the district court to "focus attention on those issues—factual and legal—that
10 are at the heart of the parties' dispute." *Thomas v. Arn*, 474 U.S. 140, 147 (1985). General
11 objections, or summaries of arguments previously presented, have the same effect as no
12 objection at all, since the court's attention is not focused on any specific issues for review. *See*
13 *United States v. Midgette*, 478 F.3d 616, 622 (4th Cir. 2007). Under 28 U.S.C. § 1915(e)(2)(B),
14 the Court may deny an application to proceed *in forma pauperis* and should dismiss a complaint
15 if it is frivolous or fails to state a claim upon which relief may be granted. An action is frivolous
16 if "it lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325
17 (1989).

18 Judge Theiler found that Plaintiff's proposed complaint in this action is frivolous and
19 fails to state a claim. (*See* Dkt. No. 4 at 2.) Judge Theiler notes that Plaintiff has brought at least
20 four civil rights actions in this district that were dismissed for failure to state a claim upon which
21 relief could be granted, including one before this Court. (Dkt. No. 4 at 1–2); *see Reitz v. Market*
22 *Place Appts LLC, et al.*, Case No. C12-1941-JCC, Dkt. No. 9 at 1 (W.D. Wash. 2012)
23 (dismissing the case pursuant to 28 U.S.C. § 1915(e)(2)(B)).

24 Plaintiff's objections fail to identify an error in Judge Theiler's report and
25 recommendation. (*See* Dkt. No. 6.) He reiterates his concern that his identity as the
26 whistleblower in the mortgage crisis has been revealed and that the federal government is not

1 protecting him. (*Id.* at 7–9.) He also argues that his complaint is timely, but Judge Theiler’s
2 report and recommendation does not identify timeliness as a basis for dismissal. (*Id.* at 5–6.) The
3 Court has reviewed Plaintiff’s complaint. Plaintiff’s bare allegation that he is a whistleblower is
4 not supported by any specific factual allegations, and he does not identify a law or statute upon
5 which his claims are based. Thus, the complaint “lacks an arguable basis either in law or in fact,”
6 and it “fails to state a claim on which relief may be granted.” *See Neitzke*, 490 U.S. at 325; 28
7 U.S.C. § 1915(e)(2)(B)(ii). Therefore, the Court finds Plaintiff’s proposed complaint is frivolous
8 and fails to state a claim.

9 **III. CONCLUSION**

10 For the foregoing reasons, the Court hereby ORDERS that:

- 11 1. Plaintiff’s objections to the report and recommendation (Dkt. No. 5) are
12 OVERRULED;
- 13 2. The report and recommendation (Dkt. No. 4) is APPROVED and ADOPTED;
- 14 3. Plaintiff’s application to proceed *in forma pauperis* (Dkt. No. 1) is
15 DENIED;
- 16 4. This case is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B);
17 and
- 18 5. The Clerk is DIRECTED to send a copy of this order to Plaintiff and to Judge
19 Theiler.

20 DATED this 7th day of July 2020.

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24 John C. Coughenour
25 UNITED STATES DISTRICT JUDGE
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